

## CHAPTER 193

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**PROPERTY**

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## HOUSE BILL 20-1155

BY REPRESENTATIVE(S) Valdez A. and Weissman, Jaquez Lewis, Kipp, Hooton, Sirota, Titone, Froelich, Mullica, Bird, Cutter, Duran, Exum, Garnett, Gray, Jackson, Kennedy, Lontine, McLachlan, Melton, Michaelson Jenet, Singer, Snyder, Woodrow, Becker, Coleman, Gonzales-Gutierrez, Herod, Tipper;  
also SENATOR(S) Hansen and Priola, Bridges, Danielson, Fenberg, Foote, Gonzales, Moreno, Pettersen, Rodriguez, Story, Todd, Winter.

**AN ACT**

**CONCERNING REQUIREMENTS THAT BUILDERS OF NEW RESIDENCES OFFER BUYERS OPTIONS TO ACCOMMODATE HIGHER EFFICIENCY DEVICES.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 24-38.5-102, **add** (1)(u) as follows:

**24-38.5-102. Colorado energy office - duties and powers - definitions.**

(1) The Colorado energy office shall:

(u) DEVELOP BASIC CONSUMER EDUCATION OR GUIDANCE ABOUT LEASED SOLAR INSTALLATION AND PURCHASED SOLAR INSTALLATION IN CONSULTATION WITH INDUSTRIES THAT OFFER THESE OPTIONS TO CONSUMERS.

**SECTION 2.** In Colorado Revised Statutes, 38-35.7-106, **amend** (1) and (7) as follows:

**38-35.7-106. Solar prewire option - solar consultation.** (1) (a) Every person that builds a new single-family detached residence for which a buyer is under contract shall offer the buyer the opportunity to have EACH OF THE FOLLOWING OPTIONS INCLUDED IN the residence's electrical system or plumbing system, or both: ~~include one of the following:~~

(I) A residential photovoltaic solar generation system or a residential solar thermal system, or both;

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(II) Upgrades of wiring or plumbing, or both, planned by the builder to accommodate future installation of such systems; ~~OR~~ AND

(III) A chase or conduit, or both, constructed to allow ease of future installation of the necessary wiring or plumbing for such systems.

(b) The offer required by ~~paragraph (a) of this subsection (1) shall~~ SUBSECTION (1)(a) OF THIS SECTION MUST be made in accordance with the builder's construction schedule for the residence. ~~In the case of prefabricated or manufactured homes, "construction schedule" shall include the schedule for completion of prefabricated walls or other subassemblies.~~

(7) (a) This section ~~shall apply~~ APPLIES to contracts entered into on or after August 10, 2009, to purchase new single-family detached residences built on or after August 10, 2009.

(b) ~~except that~~ This section ~~shall~~ DOES not apply to:

(I) AN unoccupied ~~homes~~ HOME serving as sales inventory or a model ~~homes~~ HOME; OR

(II) A MANUFACTURED HOME AS DEFINED IN SECTION 24-32-3302 (20).

**SECTION 3.** In Colorado Revised Statutes, **add** 38-35.7-109 as follows:

**38-35.7-109. Electric vehicle charging and heating systems - options - definitions.** (1) (a) A PERSON THAT BUILDS A NEW RESIDENCE FOR WHICH A BUYER IS UNDER CONTRACT SHALL OFFER THE BUYER THE OPPORTUNITY TO HAVE THE RESIDENCE'S ELECTRICAL SYSTEM INCLUDE ONE OF THE FOLLOWING:

(I) AN ELECTRIC VEHICLE CHARGING SYSTEM;

(II) UPGRADES OF WIRING PLANNED BY THE BUILDER TO ACCOMMODATE FUTURE INSTALLATION OF AN ELECTRIC VEHICLE CHARGING SYSTEM; OR

(III) A TWO-HUNDRED-EIGHT- TO TWO-HUNDRED-FORTY-VOLT ALTERNATING CURRENT PLUG-IN RECEPTACLE IN AN APPROPRIATE PLACE ACCESSIBLE TO A MOTOR VEHICLE PARKING AREA.

(b) A PERSON THAT BUILDS A NEW RESIDENCE FOR WHICH A BUYER IS UNDER CONTRACT SHALL OFFER THE BUYER THE OPPORTUNITY TO HAVE THE RESIDENCE INCLUDE AN EFFICIENT ELECTRICAL HEATING SYSTEM, INCLUDING AN ELECTRIC WATER HEATER, ELECTRIC BOILER, OR ELECTRIC FURNACE OR HEAT-PUMP SYSTEM.

(c) A PERSON THAT BUILDS A NEW RESIDENCE FOR WHICH A BUYER IS UNDER CONTRACT SHALL OFFER THE BUYER PRICING, ENERGY EFFICIENCY, AND UTILITY BILL INFORMATION FOR EACH NATURAL GAS, ELECTRIC, OR OTHER OPTION AVAILABLE FROM AND INFORMATION PERTAINING TO THOSE OPTIONS FROM THE FEDERAL ENERGY STAR PROGRAM, AS DEFINED IN SECTION 6-7.5-102 (15), OR SIMILAR INFORMATION ABOUT ENERGY EFFICIENCY AND UTILIZATION REASONABLY AVAILABLE TO THE PERSON BUILDING THE RESIDENCE.

(d) SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY TO A RESIDENCE IN WHICH THE ELECTRICAL SYSTEM HAS BEEN SUBSTANTIALLY INSTALLED BEFORE A BUYER ENTERS INTO A CONTRACT TO PURCHASE THE RESIDENCE. SUBSECTION (1)(b) OF THIS SECTION DOES NOT APPLY TO A RESIDENCE IN WHICH THE HEATING SYSTEM HAS BEEN SUBSTANTIALLY INSTALLED BEFORE A BUYER ENTERS INTO A CONTRACT TO PURCHASE THE RESIDENCE.

(2) TO COMPLY WITH THIS SECTION, THE OFFER REQUIRED BY SUBSECTION (1) OF THIS SECTION MUST BE MADE IN ACCORDANCE WITH THE BUILDER'S CONSTRUCTION SCHEDULE FOR THE RESIDENCE.

(3) NOTHING IN THIS SECTION PRECLUDES A PERSON THAT BUILDS A NEW RESIDENCE FROM:

(a) SUBJECTING ELECTRIC VEHICLE CHARGING SYSTEM UPGRADES TO THE SAME TERMS AND CONDITIONS AS OTHER UPGRADES, INCLUDING CHARGES RELATED TO UPGRADES, DEPOSITS REQUIRED FOR UPGRADES, DEADLINES, AND CONSTRUCTION TIMELINES;

(b) SELECTING THE CONTRACTORS THAT WILL COMPLETE THE INSTALLATION OF ELECTRIC VEHICLE CHARGING SYSTEM UPGRADES;

(c) STIPULATING IN THE PURCHASE AGREEMENT OR SALES CONTRACT THAT:

(I) ELECTRIC VEHICLE CHARGING SYSTEM UPGRADES ARE BASED ON TECHNOLOGY AVAILABLE AT THE TIME OF INSTALLATION AND MIGHT NOT SUPPORT ALL ELECTRIC VEHICLE CHARGING SYSTEMS OR SYSTEMS INSTALLED IN THE FUTURE; AND

(II) THE PERSON THAT BUILDS A NEW RESIDENCE IS NOT LIABLE FOR ANY ADDITIONAL UPGRADES, RETROFITS, OR OTHER ALTERATIONS TO THE RESIDENCE NECESSARY TO ACCOMMODATE AN ELECTRIC VEHICLE CHARGING SYSTEM INSTALLED IN THE FUTURE.

(4) AS USED IN THIS SECTION:

(a) "ELECTRIC VEHICLE CHARGING SYSTEM" MEANS:

(I) AN ELECTRIC VEHICLE CHARGING SYSTEM AS DEFINED IN SECTION 38-12-601 (6)(a) THAT HAS POWER CAPACITY OF AT LEAST 6.2 KILOWATTS, THAT IS ENERGY STAR CERTIFIED, AND THAT HAS THE ABILITY TO CONNECT TO THE INTERNET; OR

(II) AN INDUCTIVE RESIDENTIAL CHARGING SYSTEM FOR BATTERY-POWERED ELECTRIC VEHICLES THAT IS CERTIFIED BY UNDERWRITERS LABORATORIES OR AN EQUIVALENT CERTIFICATION, THAT COMPLIES WITH THE CURRENT VERSION OF ARTICLE 625 OF THE NATIONAL ELECTRICAL CODE, PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, AND OTHER APPLICABLE INDUSTRY STANDARDS, THAT IS ENERGY STAR CERTIFIED, AND THAT HAS THE ABILITY TO CONNECT TO THE INTERNET.

(b) "RESIDENCE" MEANS A SINGLE-FAMILY OWNER-OCCUPIED DETACHED DWELLING.

(5) (a) THIS SECTION APPLIES TO CONTRACTS ENTERED INTO ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION TO PURCHASE NEW RESIDENCES BUILT ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

(b) THIS SECTION DOES NOT APPLY TO:

(I) AN UNOCCUPIED HOME SERVING AS SALES INVENTORY OR A MODEL HOME; OR

(II) A MANUFACTURED HOME AS DEFINED IN SECTION 24-32-3302 (20).

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 30, 2020